IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.31449 of 1998

MONDAY, THE TWENTY FIFTH DAY OF JUNE TWO THOUSAND AND SEVEN

Between:

Abdul Ghani, S/o. Abdul Khaliq, aged 32 years,
Sarpanch, Kothapet Gram Panchayat,
Saroornagar Mandal, Ranga Reddy District.

… Petitioner

And

The District Collector (Panchayat Wing)
Ranga Reddy District, and others.

… Respondents

Order:

In this Writ Petition, petitioner, a Sarpanch, has questioned the show cause notice dated 21-10-1998, issued by the first respondent under Section 19(3) of the A.P. Panchayat Raj Act, 1994 (for short 'the Act') vide Roc.No.B2/1636/98.

In the impugned show cause notice, explanation was called for from the petitioner as to why he should not disqualified under Section 19(3) of the Act for having more than three children. The case of the

petitioner is that the first respondent is not competent to issue the said notice disqualifying a member.

This court, while admitting the Writ Petition, by order dated 12-11-1998, in WPMP No.38550 of 1998 stayed all further proceedings pursuant to the impugned notice. Even though the Writ Petition is of the year 1998, no counter affidavit has been filed.

Under Section 22 of the Act, there is no direct power conferred on the District Collector to disqualify a member. In the event of disqualification of a member, the matter has to be referred to the District Munsif having jurisdiction over the area in which the office of the Gram Panchayat is situated for any such decision. In that view of the matter, the first respondent had no authority at all to issue the impugned notice. The impugned notice is liable to be set aside and it is accordingly set aside.

The Writ Petition is allowed to the extent indicated above. No order as to costs.

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JUSTICE R. SUBHASH REDDY.

June 25, 2007
MRR